

BAR MINUTES
CITY OF CHARLOTTESVILLE
BOARD OF ARCHITECTURAL REVIEW
Regular Meeting
February 22, 2023 – 5:00 PM
Hybrid Meeting (In person at City Space & virtual via Zoom)



Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review (BAR). Due to the current public health emergency, this meeting is being held online via Zoom. The meeting process will be as follows: For each item, staff will make a brief presentation followed by the applicant's presentation, after which members of the public will be allowed to speak. Speakers shall identify themselves, and give their current address. Members of the public will have, for each case, up to three minutes to speak. Public comments should be limited to the BAR's jurisdiction; that is, regarding the exterior design of the building and site. Following the BAR's discussion, and before the vote, the applicant shall be allowed up to three minutes to respond, for the purpose of clarification. Thank you for participating.

Members Present: Tyler Whitney, James Zehmer, Carl Schwarz, David Timmerman, Cheri Lewis, Breck Gastinger

Staff Present: Patrick Cory, Remy Trail, Mollie Murphy, Jeff Werner

Pre-Meeting:

The Pre-Meeting was held in the small conference room. There was discussion around the meeting agenda for the meeting. There was some discussions regarding a recent BAR appeal to City Council. City Council overturned a recent BAR denial of a Certificate of Appropriateness of 507 Ridge Street. The City Council. Staff did remind Council that the BAR is limited by the guidelines. There was also discussion surrounding the COA for 104 Stadium Road.

Jeanette Janiczek, Project Manager, provided an update on the Belmont Bridge. There is going to be a sweeping staircase on the new Belmont Bridge. There was discussion around the lighting options for the Belmont Bridge.

The Chair called the BAR meeting to order at 5:35 PM.

The Chair made two announcements prior to the meeting. There are three open houses with the zoning rewrite project this week. The Chair announced the passing of Wayne Laughthorn.

A. Matters from the public not on the agenda

No Matters from the Public

B. Consent Agenda (Note: Any consent agenda item may be pulled and moved to the regular agenda if a BAR member wishes to discuss it, or if any member of the public is present to comment on it. Pulled applications will be discussed at the beginning of the meeting.)

1. Meeting Minutes – April 19, 2022
2. **Certificate of Appropriateness Application**
BAR # 23-02-02
600 Lexington Ave, TMP 520165000

Martha Jefferson Historic Conservation District
Owner: Tom Ward
Applicant: Tom Ward
Project: Window installation

Ms. Lewis moved to approve the Consent Agenda – Second by Mr. Zehmer – Motion passes 5-0 with one abstention (Mr. Schwarz).

C. New Items

3. Certificate of Appropriateness

BAR # 23-02-01
1516 East Market Street, TMP 560107000
Woolen Mills Village Historic Conservation District
Owner: Marial & Connor Childress
Applicant: Marial & Connor Childress
Project: Rear Addition and Porch

Jeff Werner, Staff Report – Background

Year Built: 1916 District: Woolen Mills Historic Conservation District Status: Contributing
Request CoA for rear addition to the existing dwelling and replacement of the existing windows

Discussion and Recommendations

Staff recommends approval and, except for one question for the BAR, staff would have recommended approval on the Consent Agenda.

Question: On the east elevation, at the second floor, a former porch was enclosed with siding. The new addition, as presented, will continue the enclosed porch's wall plane, as if a continuous wall. For the new to *read as an addition*, staff suggested the applicant *push in* the new wall, creating a corner and a visual break from the existing wall. However, that would create difficulties with the planned interior space—the location of a structural beam. In lieu of creating a corner, a simpler solution is to install a [flat] *corner board* where the new meets the old and, possibly, alter the face dimension or the pattern of the new siding, differentiating it from the old. In approving the CoA, staff asks the BAR to consider this condition and, if necessary, advise on an appropriate solution, which would be incorporated into the CoA.

Note: The regulations and guidelines for projects within a Historic Conservation District (HCD) are, by design, less rigid than those for an ADC District or an IPP. The HCD designations are intended to preserve the character-defining elements of the neighborhoods and to assure that new construction is not inappropriate to that character, while minimally imposing on current residents who may want to upgrade their homes. Within the existing HCDs are buildings and/or areas that might easily qualify for an ADC District or as an IPP; however, in evaluating proposals within HCDs, the BAR may apply only the HCD requirements and guidelines.

Marial Childress, Applicant – We would match the material (vinyl) to the new build. We would be using hardy plank. It would be a very nice, updated look. Hopefully, it would be a seamless transition. That white material is already there

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

No Questions from the Board

COMMENTS FROM THE PUBLIC

No Comments from the Public

COMMENTS FROM THE BOARD

Mr. Whitney – The idea of adding a board to differentiate the new addition and the existing is a sound idea.

Mr. Schwarz – I would approve it either way. The siding is going to be all new.

Ms. Lewis – I don't have a problem with it as submitted mostly because it is a historical conservation district

Mr. Gastinger – That is a good distinction for us to make.

Motion to Approve – Ms. Lewis – Having considered the standards set forth within the City Code, including City Design Guidelines for Historic Conservation Districts, I move to find that the proposed addition, porch, and window replacements at 1516 East Market Street satisfy the BAR's criteria and are compatible with this property and other properties in the Woolen Mills Village Historic Conservation District, and that the BAR approves the application as submitted. Second by Mr. Schwarz. Motion passes 6-0.

4. Certificate of Appropriateness - Demolition

BAR # 23-02-03

104 Stadium Road, TMP 160002000

Individually Protected Property

Owner: Woodrow Too, LLC

Applicant: Subtext Acquisitions, LLC

Project: Demolition of structure

Jeff Werner, Staff Report –

Background

Year Built: 1927 District: Individually Protected Property (designated by City Council in 2011)

The MacLeod house (or Stone House, as it is referred to by prior owners) is an Individually Protected Property (IPP). The property is not listed on the VLR or NRHP.

From the City's 2011 survey: 104 Stadium Road is an exceptionally well-preserved example of an English Tudor Revival style residence. The growth of the University of Virginia in the early twentieth century spurred the growth of residential neighborhoods near its campus to house professors and students, such as Oakhurst-Gildersleeve neighborhood. [The property] could have been included in the Oakhurst-Gildersleeve Neighborhood ADC District, as the house is part of the same period of development in the city's history and is located just across Jefferson Park Avenue. The terraces with the rock steps and low garden walls are in good condition, though overgrown, offering a rare example of historic landscape. Additionally, the prominent location of the house on Emmet Street makes 104 Stadium Road a landmark of the street.

Request CoA for demolition of existing structure constructed in 1927.

Discussion

The request is to approve a CoA allowing demolition the existing structure and landscaping elements. The BAR review should apply City Code Section 34-278 (*Standards for considering demolitions*) and the *Review Criteria for Demolition* in the City's ADC District Design Guidelines (Chapter 7). Below, under the *Criteria, Standards, and Guidelines* section, are the applicant's comments and staff's comments.

Should the BAR approve the demolition request, staff recommends the conditions noted below under *Pertinent Standards for Review of Demolitions, City Code Section 34-278*, item d. Charlottesville currently has 77 IPP's. The ADC Districts and IPPs are within the same section of the City Code and reviewed using the same design guidelines. (76 of the IPPs have structures. At 1328 Riverdale Drive the structures were razed, but the IPP designation remained.) The process for designating an IPP or removing the designation are proscribed under City Code Sec. 34-274. For both, the BAR will make a recommendation to City Council; however, only Council can approve or deny a request for designation or removal, which requires a zoning map amendment and a zoning text amendment.

The IPP designation is an overlay zoning and does not impact the underlying zoning. It must be emphasized that approval to raze structures on an IPP and/or any subsequent demolition—whether approval by the BAR or by way of appeal or completed without approvals, in violation of the City Code--does not remove the IPP designation. Removal requires City Council approval of a zoning map amendment and a zoning text amendment, see above.

Note: Staff refers to the following provisions of the City Code only as a matter of full disclosure and for information only, not to suggest a possible a path or outcome, nor to provide an enforceable interpretation of the Code.

Per Sec. 34-277 (Certificates of appropriateness; demolitions and removals), the BAR must approve the razing or moving of a contributing structure, except upon the determination of the building code official that the building or structure is in such a dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury. Having no such determination by the City, that exception does not apply. Additionally, per Sec. 34-86(b) failure to obtain the necessary approval for demolitions, the owner is subject to a civil penalty not to exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition, razing or moving.

Per Sec. 34-281 (*Maintenance and repair required*), the owner of a contributing structure shall not shall allow it to *fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce a detrimental effect upon the character of a major architectural design district or the life and character of a contributing structure or protected property*. Per Sec. 34-86(a)(10) a violation of this requirement, the owner is subject to a civil penalty of \$200 for the first violation, and a civil penalty of \$500 for each subsequent violation.

Per Sec. 34-285 (*Approval or denial of applications by BAR*) and should the BAR deny the CoA, the applicant may appeal to Council and seek further remedy per **Sec. 34-286** (*City Council appeals*). (See Appendix of this staff report.)

Mr. Gastinger – Is there any information about this land, how it was used prior to the stone house?

Mr. Werner – Probably, I don't have it.

Mr. Zehmer – More than likely, it was part of the Montebello property, which was owned by John Perry. He was one of the contractors, who actually helped build the University. It was a plantation site. That would be my guess without doing the research.

Mr. Timmerman – You (Mr. Werner) were saying that there was another site (IPP) that was razed. Is that the only one that has been razed? Do we know how many of those have been taken down?

Mr. Werner – To my knowledge that is the only one; just below Burley-Moran. That was in 2014.

Fred Wolf, Applicant – Our firm is the associate architect working with ESG out of Minneapolis. When we went through this, one of the things that struck me was that this property was volunteered to the city. That is an unusual event to have somebody volunteer property to be designated. Two years earlier, the district was formed. There was an exhaustive survey done with the district. It cataloged many buildings throughout Oakhurst and Gildersleeve including several on JPA and some on Maywood and Valley Road. There are actually two structures directly across the street from this site that are a part of that district. There was a 39 page report that excludes any mention of this building when it was establishing that. That is curious in they were very specific in their nomination report describing how they set up the district and defined what properties they captured and included. That is one of those fundamental things that I think is interesting. The fact is that this, two years later, became an asset that rose to the level to be included. It is curious that this was omitted the first time and was included subsequently. Having been on the BAR and having nominated buildings for IPPs, it seems to me that an individually protected property is usually something that is reserved for a building or a property that is ‘special’ or rare and different than defining a boundary for a district that captures lots of things. When we went through the criteria, our determination was we have a really nice, old building. There is no aspect about it that is really particularly unique or exceptional or rare or could not be replaced. We found no evidence of anything that is exceptional in terms of the people who have been associated with designing or constructing it or anybody who has lived there that had a historic association. Staff mentioned one individual who had an association with somebody who lived there at one point. This house is an island onto itself. The structure has been severed from whatever original context/urban fabric it might have been a part of when it was originally constructed. It sits in a position where it is surrounded by midcentury buildings that are multifamily student housing, not a particular architectural value. The back of this house actually faces the front of what will be the site for this future development. In the preservation of this, you would have the back of the house facing the front door or the front of what could potentially be the development that comes later. The group sees an opportunity here. When you look at the growth and density desired to take this series of parcels, to be able to develop an urban campus/precinct at the point where the city could absorb some growth and density and use that growth and density for student housing to take pressure off adjacent neighborhoods, where you want to try to preserve single family dwellings.

Mark McConnell, Preservation Architect – I found myself in an unusual position being asked to evaluate a building for potential removal. When they first called me, I called John Burns (chief appeals officer for the National Park Service) on the eve of his retirement. I asked him for advice. I asked him if there was a precedent for this. Is there criteria? Is there some way to do it? He said that the National Park Service takes no position with regard to demolition of historic buildings unless they are in the tax credit program and section 106. There are no precedents in the National Park Service, Preservation, and the state Preservation Office. What happens on one historic property has zero bearing on what happens on the next historic property that comes along. They all have to be considered individually. That’s how Mr. Burns advised me to consider this building. It is a nice English Tudor style cottage. It has been marooned in its environment. There is no context for it. Myself and my colleagues probably

have created two dozen national historic districts. When I say this building was excluded, I really do mean it was excluded. In times past, we have reached out well beyond the borders of what is a well-defined district to include buildings we thought were worthy. There are nine buildings of the Tudor Revival Style in the district across the street. There are eight stone buildings in the district across the street. It is not a national registered district. There is nothing particularly unique about it. The McCloud family built the house and had a visitor. There is a pretty stringent standard for association at the National Park Service when considering a historic building. We don't have that strong association here. As I looked at the criteria for inclusion in the national register, this one did not meet any of the four criteria. To the questions of what was here before, I included the 1920 Sanborn Map. The Map has the lot as empty. It was anticipated to be part of a neighborhood of residential houses. It is a nice building. It is not unique. It is a marooned example of a nice old house. I advised the owner that it could be documented and removed without a significant impact to the historic community here in Charlottesville.

Dylan Lambert, Applicant/Owner – We believe that this is a phenomenal location. It has potential to be a prominent part of the entrance corridor, while furthering the goals of the city Comprehensive Plan and the new zoning ordinance. We haven't started the formal design. We have spent a considerable amount of time working on visioning and imagery. We do agree with some of the conditions staff had mentioned if the demolition is approved, such as fully documenting the structure prior to demolition and it being contingent on an approved permit for a future project. Our intent is not to tear this down unless that moves forward.

QUESTIONS FROM THE PUBLIC

No Questions from the Public

QUESTIONS FROM THE BOARD

Mr. Zehmer – Looking at this map and the staff report, staff had included the 1954 Sanborn Map, which only shows a minimum amount of growth; particularly one house on the other side of Woodrow Street. I am curious if that neighborhood was ever really built out. We have talked that it got marooned. It seems like it has always been one of a handful as opposed to there was a neighborhood there and they tore a bunch down to build the Woodrow Apartments. It seems that the Woodrow Apartments are the first things there.

Mr. McConnell – You are absolutely right. It has been marooned by the speed of the traffic, by the predictable improvement of those roads that make it hazardous to come out of the back door, which we think is the front of the house right now. The sense of isolation that the house has, has a little more to do with the size of the roads around it than the fact there might have been a bunch of little houses. As opposed to JPA, there was a real identifiable neighborhood.

COMMENTS FROM THE PUBLIC

No Comments from the Public

COMMENTS FROM THE BOARD

Mr. Schwarz – I find this confusing. I did meet with Fred Wolf (the applicant) beforehand. I feel like I was encouraging for this application. Now, I don't feel as encouraged. If this was part of a historic district/a contributing structure in a historic district, it would not be such an easy decision to say that it is not worth it and demolish it. It would have a low likelihood of being around to be demolished if it was just existing as part of a historic district as opposed to being an IPP. It is almost like we are being

asked to decide: Is this worthy of being an individually protected property? Whether we allow the demolition or not, by zoning, it stays as an IPP. That is also a little confusing. If we allow the demolition and the house comes down, the applicant can make an easy, legal argument in saying that there is nothing there protectable. Why is this still a protected property? The history of this site seems like a very deliberate decision by Council. It was part of a deal/an agreement between the owners and Council to purchase an adjacent property. It took two meetings of a little haggling to come up with this. An equal offer was turned down before this one. It was an offer to put a little apartment building on that corner lot that is now supposed to be left undeveloped. It feels like to vote for denial would be to overturning something that was deliberately done by City Council. That City Council was from 12 years ago.

Mr. Gastinger – In our review criteria for demolition (#3): Is the public purpose or interest in land or buildings to be protected? What you're (Carl) saying, to me, says that if there is any record of what the public interest is in this land or this building is, that City Council decision is pretty strong. They are an elected body that chose to make that designation. We're not here to debate whether it should or should not be an IPP. That's the last record we have that there was an actual public body that felt strongly that it should be standing and the land next to it should not be developed. In the terms of our purview of our work, that would be for City Council to decide if they no longer agree with that.

I do thank you (Mr. Wolf) for the report about the criteria for the historic designation. I will note that there are some slight differences between our guidelines for considering demolition. They are not necessarily one-to-one with the eligibility for the National Register

Mr. Timmerman – For me, it is a pretty basic at a pretty basic level. For whatever reason, something has become an IPP. If it is that, then it is that. There should be some power behind that. We're not saying that we're knocking everything down. There is a precedent for having to knock something down in the past. For me, it is the precedent of the matter. How does this alter things moving forward? Whether it is the processes with City Council, why something came to be, or whether it is a historic purpose or context. That is my struggle with this.

Ms. Lewis – When we talk about the precedent, are we talking about Riverview? I was actually involved in that. The BAR did not vote to demolish it. To make clear, it was not approved. I represented them in a legal capacity, appealed to Council, and they ended up putting it up for sale. They were able to demolish it through the statute. Are we saying that the BAR has never approved demolition of an IPP in the city as far as we know?

Mr. Werner – To my knowledge, no.

Ms. Lewis – This is a significant application for us. Adding to the quandary is that it was recently made an IPP through a legislative action by Council, which delegates their power to us. It is confusing. If we deferred or passed it onto Council, couldn't Council by action, un-designate it, which would allow the applicant to do anything they want? I am not unafraid to act. What is troublesome is that Council, so recently, decided that this was an IPP. The BAR does not decide what IPPs are. It is done by legislative action of the highest body in the city. If we deferred on this, you might have a clearer path with City Council.

Mr. Werner – There are a lot of steps.

Ms. Lewis – If it is Council’s desire to see this developer do this kind of project in this location because we want density and that is where the new zoning ordinance is going, I would almost rather have them un-designate it.

Mr. Werner – Some of that is the sequence of things that have to happen. There are a lot of things associated with this project that would go into those next steps for zoning and things like that. My understanding is that this clears a hurdle that allows that comfort moving forward. There will be more involved in what has to go to Council than just the removal of the overlay.

In the map that we just got, I couldn’t figure out why that was there. These are the 1950 and 1951 annotated maps for 1929. Clearly JPA was aligned over here. This house that you see right there is what is shaded.

Mr. Schwarz – There are four parcels on this map. There are four parcels on that map. Something is not adding up.

Mr. Werner – All I can discern is that the right of way was changed. That is how it became a city parcel.

Mr. McConnell – These are Sanborn fire insurance maps. They were done by a fire insurance company. From what we could tell, the 20 and 29 maps re-aligned JPA.

Mr. Zehmer – Do we think it got narrowed when they removed the trolley car?

Mr. Werner – I don’t know. I can’t say that.

Mr. Zehmer – This is not a surveyed map.

Mr. Werner – With the Sanborn maps, you know something was there. We don’t know if it was exactly there and exactly that size.

As far as this application procedurally goes, the best way to approach it is as you have done with other requests, evaluate this on its face. As to its historic nature, character, I agree. From the National Register criteria, there is a reasonable argument about its eligibility. It was designated an IPP by the City of Charlottesville for a reason. There are a lot of structures designated as IPPs for reasons that are of importance to the community. That is the question before you. What the City Council does next in this is a series of steps for the applicant to decide. If you approve this, those steps are still there for them. This is also within an entrance corridor. If you deny this request, that can be appealed to Council. As far as deferring, we can further research this site of this building. We can certainly do that. If you are going to defer it, be very clear on what the objective is in that deferral.

Mr. Zehmer – I am not very confused. It is an Individually Protected Property. We are charged by City Council to protect this property. It is pretty clear that we should vote to deny this application. The applicant has made a good case. It is a well put together presentation, which I really appreciate. Our purview is to protect Individually Protected Properties. There are processes that can be followed to go through the course of actions to get to where they want to be. We have done our job and they are doing their job.

Ms. Lewis – I would like to read through the review criteria for demolition in our guidelines. Our criteria for demolition in the guidelines are section 34-278. Our criteria for demolition in the guidelines

are in our staff report. The applicant addressed and staff did a response to. Number 2 is the public necessity of the proposed demolition. I am not going to debate it. Is there a public necessity? Not purpose, but necessity of the demolition. Number 3 is the public purpose or interest in land or buildings to be protected. Number 4: Whether or not a relocation of the structure would be a practical or preferable alternative to demolition. I haven't heard that discussed. Whether or not the proposed demolition would adversely or consequentially effect other historic buildings or the character of the historic district. That is NA. The reason for demolishing the structure and whether or not all alternatives exist. Whether or not there has been a professional, economic, or structural feasibility study for rehabilitating or reusing the structure or whether or not its findings support the proposed demolition. I don't if that is your report or whether that would constitute that seventh point. I don't know about the professional, economic, structural, or feasibility study. I don't think that is quite your report. It probably went halfway there. I would encourage all of us to focus on these criteria. Public necessity of a proposed demolition has always been a big one.

Mr. Werner – You are correct in that they are not state or federally listed. A state or federal action, such as a road. On page 3 of the staff report, there are the city code provisions 34-278. Those are the provisions of the code, the standards of review for demolition. On page 7, within the guideline are the review criteria. They are almost identical. I included them both here. I think it answers the question particularly about the public necessity. Staff's response was that it was not a public necessity. The building has not been condemned nor deemed unsafe. As far as the condition of the building, staff did not go in it. When you put up a sign on a property, those living in the house did not call me. As far as the report presented and the applicant submittal, that is addressing it. To the historic character on the national register guidelines and a structural report, I can't report on that. If demolition of a contributing structure, the BAR must approve it. To be allowed to do it requires BAR approval. However, there is a condition in there. If the building inspector deems it unsafe, that elevates it out of your purview. We're not dealing with that here.

Ms. Lewis – I didn't find that the applicant addressed those. The whole discussion about all alternatives, is it feasible to move those, is it not feasible to incorporate it. When there are criteria, it is incumbent on the applicant to address all of them. The code ones were addressed but not our guideline ones. I still have not heard any discussion about them.

Mr. Gastinger – My reading of our guidelines and project is that this is a property that we are asked to protect. It is worthy of protection. You would be surprised how many people know of this house because of its distinctive character and its location. It is an 'oddball.' Our city would be less if it was gone tomorrow. The city might have other thoughts about the usefulness of this land and how it fits into larger planning goals. That is not for us to debate. If we do deny this evening, I do think we should identify a number of different things about the preservation of this structure. If it is allowed to be demolished by an overturning of a denial, it should be contingent on a future COA approval. It should also include the other conditions that were mentioned in the staff report. It needs to be very clear if that is the direction that there are other steps that City Council might want to take if they were to overturn a denial from our board.

Mr. Whitney – To your point about it being contingent on an approval of a future COA, if Council approved demolition after denial from the BAR, wouldn't that be contingent on whether the IPP would still exist? Can we put that contingency on?

Mr. Gastinger – If we can put that contingency on a COA, then Council could. They would essentially be approving the COA of the demolition.

Mr. Whitney – That would just matter on whether the IPP is still in place, not whether the structure is in place?

Mr. Gastinger – I don't think it matters either way. We have had that issue on other properties within a district. We still put a contingency that a building be approved before it is demolished.

Mr. Zehmer – This is different because it is an individual standalone property. If Council were to approve demolition of this, I don't see why it needs to continue to be a protected property. The house is what makes it special. I think it is a 'jewel in the rough.' If they decide to allow demolition, I think they should remove the protected status of the property and let the landowner do what they want.

Mr. Whitney – I think we are in agreement that if demolition of the structure happens in the future, it would not happen until a building permit is approved. We have stated that. I was taking what you were saying to be that if demolition of the structure happens, whatever gets built comes back to us for BAR approval. That would only happen depending if it is still a protected property.

Mr. Gastinger – That is why I feel we need to give Council the recommendations they need to protect the structure accordingly until another project is approved.

Mr. Werner – You don't want to prematurely demolish this and a project doesn't occur. That's one for Council and for the City Attorney. Should the IPP be removed, does any BAR action become mute? I don't know that. The best advice I would give you is to state in either direction what you would like the result to be. If it goes to Council, allow them the opportunity to phrase it correctly.

Mr. Gastinger – Is anybody on the Board leaning towards approval of the demolition as submitted?

Mr. Wolf – We can see the tenor of this. I appreciate the challenge. It is not a clean cut, clear decision. In terms of moving or relocating it, it was looked at. It was determined to be cost prohibitive to move the structure like this, particularly with the materiality of the stone walls. Even the notion of trying to disassemble and reconstruct it was cost prohibitive. That option was looked at and taken away. With respect to the public necessity, I meant to imply that the notion of being able to consolidate growth in development and density in this one area would take pressure off adjacent neighborhoods, to me, is a public necessity. The growth and the development of the University and the subsequent need to house students, faculty, and staff is critical. If you can consolidate it by designing a new precinct instead of scattering it and allowing it to leak out and impact multiple neighborhoods, there is an enormous benefit there. I think that is what is driving the new zoning that is being looked at. In our minds, that would be an aspect of the public necessity and public good of this project. It does not give you a peek at what happens after this. I think you can easily imagine that this is housing for tenants. You can somehow gain so four individuals can live in this space/parcel. That number can go up if you can gain 60 that would be a big gain in terms of being able to increase density. You have it right at the threshold between the neighborhood and the University where it can really affect the University in a positive way and keep its impact low in terms of the surrounding neighborhood.

Mr. Timmerman – That makes really good sense. I get that as a public necessity. That is a good point. Is 60 the number you are looking at?

Mr. Wolf – Not knowing what the design is, it is just looking at the square footage, the acreage, versus what we could put on that amount of land. I think it was roughly 60 units.

Mr. Timmerman – I do wonder looking at it in an alternative way, the hybrid version of figuring out a clever way of integrating it into the development. That gives a much denser corner zone but also having that green space/that link to the past and having that integrated; how that might enhance the property.

Mr. Werner – I am trying to be fair to both sides here. With how you all discuss this, this will not be the last time you have a discussion like this. This is a map of the IPPs. This large, historic one is soon going on the market. There are some IPP parcels that are substantial. We know from the discussion about Wyndhurst, it is more than just the four walls of the building. I don't want to squelch the conversation. I want to be aware that, with whatever happens with the Comp Plan and the revised rezoning, this discussion is going to become more common. This is to be equating historic preservation with density. That is a troubling ledge to go on.

Mr. Gastinger – We also need to hold up to City Council and to our community that we are now building some really good examples of dense development in close proximity to historic homes. There are some really good, successful examples. We are better served for those efforts, even though they do make projects trickier.

Ms. Lewis – If they wanted to get zoning text amendment and get the IPP designation lifted, what does that process look like before Council?

Mr. Werner – It is identical to a rezoning.

Ms. Lewis – Do they go through the Planning Commission?

Mr. Werner – It goes to the BAR. We just re-designated 415 Tenth Street was recently designated an IPP last summer. It only requires a recommendation of the BAR and of the Planning Commission. It is entirely a decision by Council. They are required to seek your input.

Ms. Lewis – To undo an IPP designation?

Mr. Werner – It is the same process in reverse.

Ms. Lewis – With a new zoning ordinance calling for a lot of density, what happens with these 77 individually designated historic properties? If anybody wants to knock them down, we have the density. What does an IPP/history/preserving a historic fabric mean? We're hesitating over this because we have other ones here. I am just proposing another way it could happen. You could send a proposal to rezone this, you would go through the Planning Commission, you would go before Council, and the IPP designation is lifted. You don't have to argue about any of the criteria for demolition in front of us. You have heard several people vocalize that they would deny the demolition and you appeal to Council. It seems like it would be a better idea because of our confusion over why this was designated a decade ago.

Mr. Wolf – If we pursue having the designation removed by rezoning, wouldn't that have to come back in front of you for approval or recommendation?

Mr. Werner – No. It is simply a recommendation that is not binding.

Ms. Lewis – None of our powers originate with us as a Board. They are all delegated from Council. You always have an appeal to Council. My suggestion goes to the core of what is wrong and why people are having some concern over this.

Mr. McConnell – I have been in this position a lot and in your position a lot. The reason I think we're here is because not all buildings are created equal. Not all IPPs have the same character, quality, or historic importance as another. It is your judgement. Take any of these other IPPs. It is the public's trust in you to evaluate each of these criteria on each of these buildings on their own merit. That's why the National Park Service does not accept precedent. Each building has its own set of qualities. You're going to be running into this again and again. Not all buildings are created equal.

Mr. Werner – The guidelines give you the criteria. We have the criteria to make that evaluation. It is the same as saying whether it should be an IPP or not. Stay within these. My only caution about bringing in what might happen here is that strays from this list you all have. Whether the COA for demolition is approved or not, the IPP is still out there. There is merit to what you're saying. This process is here. They're looking for a decision. If you're uncomfortable with the demolition, follow your criteria and make a vote on that.

Mr. Wolf – A big part of this is not necessarily that we believe individualized protected properties should all be at risk. What we're questioning here is whether this property really warranted that designation. We have never made the argument that this was a sound and stable building. It is not structurally falling down. It is about the quality and character of the architecture and whether or not it is valuable at that level.

Motion – Mr. Whitney - Having considered the standards set forth within the City Code, including the BAR's design guidelines and the standards for considering demolitions, I move to find that the proposed demolition of the house and gardens at 104 Stadium Road does not satisfy the BAR's criteria and guidelines and is not compatible with this property and other properties, and for the following reasons the BAR denies the application as submitted:

- **House is almost 100 years old.**
- **Rare example of a housing type in Charlottesville that is part of the time period when built.**
- **Creates character of space where it exists.**
- **BAR have never voted to demolish an IPP.**
- **Remnants of a historic landscape.**
- **Good condition with no reason for demolition.**
- **Review Criteria of #3: designation of property by City Council in 2011 to be protected and the neighboring property to not be developed.**
- **Historic landscape contributes to the context of JPA, could influence the buffer of JPA and built lots**
- **Design Guidelines #6 & #7: alternatives to demolition, rehabilitation and reuse of structure is possible.**

Recommendations for Council to overturn BAR denial

- **Building should be documented thoroughly through photographs and measured drawings according to the Historic Building Survey Standards.**
- **Information should be retained by the City of Charlottesville Neighborhood Development Services and Virginia Department of Historic Resources.**
- **COA for Demolition is contingent on an approved building permit.**

Second by Mr. Zehmer. Motion passes 6-0.

D. Other Business

5. Preliminary Discussion

214 West Water Street, TMP 280080000

Downtown ADC District (contributing structure)

Applicant: Derek Uhler/Uhler and Company

Project: Addition of upper floors

- The Applicant presented the plans for more space on the third floor of the building.
- The third floor has a curved roof and a large flat roof that is a walkout. The plan calls for enclosing the space that is the flat roof.
- The Applicant is seeking feedback, questions, and suggestions from the BAR on this proposed project.
- Members of the BAR did provide suggestions on this proposed project and structure.
- The comments from the BAR were mostly positive for the proposed project. Members of the BAR did say that as long as the project met the guidelines, there was a lot of freedom on this project.
- There was little concern from the BAR regarding a proposed construction.

6. Project Update

Belmont Bridge

- Jeanette Janiczek (Project Manager) provided the update on the Belmont Bridge during the Pre-Meeting.

7. Preliminary Discussion

422 2nd Street NE, TMP 330079000

North Downtown ADC District

Owner: Erin Hall and Michael Shveima

Applicant: Tim Tessier/Bushman-Dreyfus

Project: Rear addition

- The intent is to open up the backyard.
- The Applicant presented the plan for project is to remove the rear additions and add a new rear addition to the back of the house.
- The applicant does have a suggested footprint.
- There is no programmatic needs for a garage. The plan is to remove the garage and open up the space.
- Members of the BAR provided questions, suggestions, and feedback for the applicant and homeowners of the house.
- There were no concerns about the demolition. It would have to be considered a demolition.
- The materials would be compatible with what is already there and something that is modern.
- The applicant intends to do repairs and maintenance on the remaining parts of the house with this project.
- The Applicant and owners do plan on rehabbing the 1840s addition to the house as part of the project.

8. Misc. Discussion

- BAR Elections
 - Staff went over the time left for each current member's term of the BAR.

- **Motion made by Mr. Schwarz to keep the same slate of officers. Second by Mr. Zehmer. Motion passes 5-0 with one abstention.**
- The Chairman went over the roles, the responsibilities, and the importance of the BAR to the City of Charlottesville.
- Update: Appeals to CC
- Staff questions/updates
 - Staff provided an update regarding the excavation work taking place near the Levy Building.
- Time permitting - café lights

Adjournment

The meeting was adjourned at 8:23 PM.